



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable John A. Hulen, Chairman,
Texas National Guard Armory Board
Fort Worth Club Building
Fort Worth, Texas

Dear General Hulen:

Opinion No. 0-4537

Re: May Texas National Guard
Armory Board pay expenses
of secretary in moving his
personal household effects
from Fort Worth to Houston?

In your letter of April 2, 1942, you state that the Texas National Guard Armory Board has elected its secretary and has agreed to pay him as his salary \$2400.00 per year, being the amount appropriated by the Legislature for said purpose. You further state that the Board agreed with the secretary that "if funds were available to it for the purpose, that as a part of the secretary's compensation the Board would pay the expense of moving his personal and household effects, if the headquarters of the Board were moved from Fort Worth to another place."

You ask whether, under the appropriation as made by the Legislature, this expense can be paid by said Board.

The Legislature appropriated as the salary for the secretary \$2400.00; for traveling expenses for members and employees \$2400.00; for postage, telephone, telegraph, office supplies and equipment, contingent expenses \$1200.00. Paragraph 15, Subsection b, of the general provisions attached to the appropriation bill, page 1292, general and special laws of the 44th Legislature, provides:

"The appropriations herein provided are to be construed as the maximum sum to be appropriated to and for the several purposes named herein, and the amounts are intended to cover, and shall cover the entire cost of the respective items, and the same shall not be supplemented from any other sources."

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Since the payment to the secretary of his expenses in moving his household and personal effects from Fort Worth to Houston would be additional compensation to him, the Board is not authorized to pay said expenses.

You also request our opinion as to whether the Board can pay the expenses incident to moving the office furniture and office files from Fort Worth to Houston, if the Board decided to move its headquarters from Fort Worth to Houston.

As stated above, the Legislature has appropriated \$1200.00 for postage, telephone, telegraph, office supplies and equipment, and contingent expenses. In our opinion, the expense incident to moving the office furniture and supplies from Fort Worth to Houston can be paid as a contingent expense out of said \$1200.00 appropriation.

APPROVED APR 20, 1942

Very truly yours

John A. Hulen
DEPUTY ASSISTANT
ATTORNEY GENERAL

ATTORNEY GENERAL OF TEXAS

By

Geo. W. Barcus
Geo. W. Barcus
Assistant

GWB-MR

BWB